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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In Re: _____) Case #: 24-20884-E-13C
Rakesh Bains _____) Chapter: 13
Baljit Bains _____) DC #: WW-2
Debtor(s). _____)

Date: August 20, 2024
Time: 2:00 p.m.
Courtroom: U.S. Bankruptcy Court
Department E
Courtroom 33, 6th Floor
501 I Street
Sacramento, CA 95814

MOTION TO CONFIRM FIRST AMENDED CHAPTER 13 PLAN

Debtors, by and through their attorney Mark A. Wolff of Wolff & Wolff, hereby request that Debtors' First Amended Chapter 13 Plan be confirmed as follows:

1. Debtors filed this case on or about March 5, 2024.
2. Debtors have prepared a First Amended Chapter 13 Plan for the purpose of changing the treatment and classification of creditors. Debtors are now surrendering additional vehicles to Daimler and GM Financial. The additional vehicles being surrendered were owned by Red Wing Carriers, not Debtors. Debtors are therefore surrendering their interest in such vehicles and this has resulted in a change to Debtors' projected income

1 and expenses. Without the trucks being surrendered Debtors' income will be decreased
2 and their expenses are decreased. Such amended Chapter 13 Plan is being filed
3 concurrently with this motion.

4 3. Debtors have filed a plan that complies with applicable law.

5 4. Debtors have paid any fees or charges required by the Court.

6 5. Debtors have proposed the Plan in good faith and not by any means forbidden by law.

7 Debtors have proposed a First Amended Chapter 13 Plan to cure their mortgage arrears
8 and provide for ongoing monthly payments to U.S. Bank as a Class 1 creditor. Debtors
9 are also paying for 1 passenger vehicle, 2 trucks and property taxes as Class 2 creditors.
10 Debtors' plan also pays the priority tax claims as Class 5 creditors. See Declaration of
11 Rakesh Vains and Baljit Bains which is being filed concurrently with this motion.

12 6. Debtors proposed Plan provides that unsecured creditors will receive at least what they
13 would receive in the event of a Chapter 7 liquidation. Debtors have listed all of their
14 assets on schedule A/B and have exempted the equity in such assets to the extent possible
15 on Schedule C.

16 7. All secured creditors provided for have either accepted the Plan, or Debtors will surrender
17 the property securing their claims, or the Plan provides to pay the creditors pursuant to 11
18 U.S.C. § 1325(a)(5)(B).

19 8. Debtors will be able to make the payments under the Plan and comply with the Plan.
20 Debtors are filing, concurrently with this motion, supplemental schedules I and J to show
21 their currently projected income and expenses. The changes to the income and expenses
22 relate to Debtors' trucking business and result from the surrender of additional vehicles.
23 Debtors were unable to reach an agreement to provide for consensual treatment of secured
24 creditors' claims as Debtors were mere guarantors of loans secured by trucks. Debtors
25 have therefore changed the treatment of the claims of the objecting creditors and are now
26 surrendering such vehicles.

- 1 9. Debtors have filed the petition in good faith. Debtors filed this case to resolve their
- 2 financial problems, including mortgage arrears, arrears on secured debts, past due taxes,
- 3 and unsecured debts. Debtors' plan provides for the cure and maintenance of mortgage
- 4 payments, payment of secured claims, payment of priority claims, and no less than 0.00%
- 5 of unsecured claims.
- 6 10. Debtors have no domestic support obligations.
- 7 11. Debtors have filed all applicable tax returns.
- 8 12. Debtors' modified plan meets the requirements set out in 11 U.S.C. §§ 1322(a), 1322(b),
- 9 1323(c), and 1325(a) for confirmation of chapter 13 plans.

10
11 **WHEREFORE**, Debtors request that their First Amended Chapter 13 Plan be confirmed.

12
13 Respectfully submitted,
14 Wolff & Wolff

15 By

16 Mark A. Wolff